## Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claims 1 and 2 have been amended to make a number of editorial revisions thereto. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

Claims 1 and 2 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 and 5 of U.S. Patent No. 6,377,747 in view of Official Notice. Claims 1 and 2 have also been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 and 5 of U.S. Patent No. 6,611,655 in view of Official Notice.

Enclosed herewith is a Terminal Disclaimer linking the present application to U.S. Patent Nos. 6,377,747 and 6,611,655. As a result, withdrawal of the obviousness-type double patenting rejections is respectfully requested.

Claims 1 and 2 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Figure 42C in view of Mori (EP 0896335). This rejection is respectfully traversed and submitted to be inapplicable to the claims for the following reasons.

Claim 1 is patentable over the combination of Figure 42C and Mori, since claim 1 recites a playback method for reproducing an optical disk comprising an area for storing a data stream containing an encoded video stream and at least one encoded audio stream, and an area for storing management information, the management information comprising an application flag which indicates whether a single audio stream includes at least two of the following, (a) dual monaural audio data having first audio channel data and second audio channel data, one of which is to be selectively reproduced, (b) stereo audio data having first audio channel data and second audio channel data, which are to be simultaneously reproduced, and (c) monaural audio data having data for only one audio channel, the playback method comprising: reading the application flag from the area for storing management information; detecting according to the application flag whether the single audio stream contains at least two of the audio data (a), (b) and (c); and generating a program list including audio information based on the application flag. The

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combination of Figure 42C and Mori fails to disclose or suggest the application flag as recited in claim 1.

Figure 42C discloses a first audio stream including a monaural audio channel and a second audio stream including left and right audio channels. However, as admitted in the rejection, Figure 42C fails to disclose or suggest an application flag as recited in claim 1. As a result, Mori is relied upon as disclosing this feature.

Regarding Mori, it discloses a DVD 100 having audio manager information 900 stored thereon. The audio manager information 900 includes an audio title search pointer table 902 which includes a number of audio title search pointers 912. Each of the audio title search pointers 912 includes an audio title category 931 which, in turn, includes an AOTT/AVTT flag 961. (See page 12, lines 15-37 and Figure 9).

In the rejection, the AOTT/AVTT flag 961 is relied upon as corresponding to the claimed application flag. However, Mori discloses that the AOTT/AVTT flag 961 is used by a reproduction device to determine whether or not the reproduction mode is going to be a video-oriented reproduction mode or an audio-oriented reproduction mode. During reproduction, the AOTT/AVTT flag 961 is read and the value of the AOTT/AVTT flag 961 is checked. If the value of the AOTT/AVTT flag 961 is a value representing AOTT, the title associated with the AOTT/AVTT flag 961 is reproduced in audio-oriented reproduction mode. If the value of the AOTT/AVTT flag 961 is a value representing AVTT, the title associated therewith is reproduced in video-oriented reproduction mode. (See page 19, line 57 – page 20, line 13 and Figure 19).

Based on the above discussion, it is apparent that the AOTT/AVTT flag 961 of Mori is used to indicate which of two possible reproduction modes is to be used. On the other hand, the application flag recited in claim 1 indicates whether a single audio stream includes at least two of (a) dual monaural audio data, (b) stereo audio data, and (c) monaural audio data. Further, claim 1 recites that a program list including audio information is generated based on the application flag. There is no disclosure or suggestion in Mori that a program list is generated based on the AOTT/AVTT flag 961. Instead, as discussed above, the AOTT/AVTT flag 961 appears to only be used internally by the reproduction device to determine which reproduction mode should be selected.

In light of the above, it is apparent that Mori fails to address the deficiencies of Figure 42C. As a result, the combination of Figure 42C and Mori fails to render claim 1 obvious.

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As for claim 2, it is patentable over the combination of Figure 42C and Mori for reasons similar to those discussed above in support of claim 1. That is, claim 2 recites a playback apparatus for reproducing an optical disk comprising an area for storing a data stream containing an encoded video stream and at least one encoded audio stream, and an area for storing management information, the management information comprising an application flag which indicates whether a single audio stream includes at least two of the following, (a) dual monaural audio data having first audio channel data and second audio channel data, one of which is to be selectively reproduced, (b) stereo audio data having first audio channel data and second audio channel data, which are to be simultaneously reproduced, and (c) monaural data having data for only one audio channel, the playback apparatus comprising: means for reading the application flag from the area for storing management information; means for detecting according to the application flag whether the single audio stream contains at least two of the audio data (a), (b) and (c); and means for generating a program listing including audio information based on the application flag, which features are not disclose or suggested by the references.
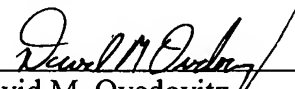
Because of the above-mentioned distinctions, it is believed clear that claims 1 and 2 are allowable over the references relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1 and 2. Therefore, it is submitted that claims 1 and 2 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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